Pam.
China
Foreign Relations

CHINESE EXCLUSION.

ITS BEARINGS ON AMERICAN INTERESTS IN CHINA.

BY REV. GILBERT REID, A. M.

CHINESE EXCLUSION

ITS BEARINGS ON AMERICAN INTERESTS IN CHINA.

A Lecture,

DELIVERED IN ROCHESTER, N. Y., MONDAY EVENING, APRIL 3, '93

BY REV. GILBERT REID, A. M.,

Author of "Peeps into China" and "Source of the Riots in China."

1893.
UNION AND ADVERTISER PRESS,
Rochester, N. Y.

AT the conclusion of the lecture the following resolutions, offered by Rev. Dr. Gracey, Rev. Peter Lindsay and Thomas Dransfield, were adopted unanimously:

RESOLVED, That we, citizens of Rochester, here this evening, listened with great interest to the address by Rev. Gilbert Reid, a citizen of our State so warmly received in China, on our political and social relations with China, and cordially commend him to the people of the United States for the purpose of securing a fair hearing on the important question of our present and future relations with the Chinese government.

RESOLVED, That we view with regret the complications which have arisen between the United States and the Chinese government, and express the hope that candor will prevail and that our national government will give such careful consideration in all matters of legislation in relation to the Chinese and our treatment towards them that the former friendly relations between the two governments may be restored.

RESOLVED, That, as citizens of the United States, we hereby request of our national and State legislative bodies the enactment of such laws as will be fair and just toward the Chinese within our borders, and as will secure the passage of a treaty between the two nations, alike creditable to both and just to the world.

CHINESE EXCLUSION

Its Bearing on American Interests in China.

MR. CHAIRMAN, LADIES AND GENTLEMEN:—

I have lately noticed in the papers a new definition of the word "crank," viz.: "a specialist in that which people have no interest in." Mighty problems, political, moral, social and ecclesiastical, are agitating the minds of thoughtful men—and some, perhaps, not quite so thoughtful—in all the nations of the earth. But I for one know of no subject, which, notwithstanding its vital bearings on practical issues, on large populations and the honor and welfare of two great nations, is yet pooh-poohed by the vast mass of our people and left to the hurried, arbitrary action of the busy men of Congress, more or less actuated by prejudice and a sense of self-preservation, as this so-called Chinese question, or, in other words, the legislation of this free, enlightened, Christian Republic of the United States of America on the Chinese laborers, the biggest attack of the biggest monopoly, with the biggest capital, on the poor, down-trodden workingmen from China, and all this political eccentricity merely because that labor is Asiatic and not European.

It is of supreme importance to seek the preservation of the seals in Behring's Sound—important enough to require three years of calm, intelligent international conference; it is highly interesting to secure the rights of the American hog in Germany, interesting enough to take days of discussion in the United States Congress; but to consider the protection of the American man in China, the rights of the Chinaman in America, and the honor of a nation, such interests are uninteresting, and so much so that the House of Representatives when about to vote on this bill of Chinese exclusion proposed by the Hon. Mr. Geary of California, decided that, "under the rule, fifteen minutes are allowed for debate." A majority, moreover, of the members in both houses failed to vote on the question at all, an index of their interest.

It was a good proverb of the wise man Solomon, that "a man that hath friends must show himself friendly." And this principle of friendliness is my only reason for ceasing for a while to make missionary talks that I may discuss this political question, which more especially concerns the statesman and the diplomatist. Being an American citizen, native-born and native-bred, I am interested in the prosperity of our nation and people. With Scotch and English blood in my veins, and so indirectly an immigrant from the "auld counthry," I am a friend of the vast body of immigrants who come to our shores from Europe, to help in the development of our vast territory. Being a missionary to China, if I am loyal to the Christian teachings of our blessed religion, I must seek the good of China, the security of her government and the prosperity and enlightenment of her vast population. I am not the paid attorney of either China or America, but as a friend to all, I see no reason why plans may not be formed whereby good may come to all and harm to no one, or in the words of Abraham Lincoln, just as true in this day of equity for the Mongolian as in the day of the emancipation of the negro, "With malice toward none, with charity to all."

On the day previous to my leaving Pekin, I was conversing with one of the most capable of the Chinese Ministers of State at his private residence. While I on the one hand expressed my thanks for all the aid and protection which the Foreign Office had extended to our American missionaries, he on the other hand politely requested that on my return to America I would exert myself to produce a more friendly feeling between the people of the two countries. Later on I received a letter from a friend in Pekin, who informed me that this same mandarin had also expressed to him the wish that I would do all in my power to influence the American public in favor of the Chinese laborers. Having such a friend I have decided to show myself friendly to him as well as to others.

At this time, however, I will not specially consider the interests of the Chinese, but our own American interests, and especially those in China, with only incidental reference to the welfare of the Chinese. A one-sided view will produce a one-sided policy, and this has been the trouble with the Chinese question all along from the start. Our friends on the Pacific Coast have cried out, "Hands off; this Chinese question only affects us and we must decide it." And so whatever the Pacific Coast says, the United States Congress and Executive have done,

with only fifteen minutes in the House for debate. As the question affects the Pacific Coast, and especially San Francisco, far more than most of our cities in the East, the rights, peace and security of our fellow-countrymen in the West cannot and ought not to be ignored. Neither should they ignore, or the United States Congress and Executive ignore, the rights of others, or those broader interests which concern the whole nation, and in fact two of the greatest nations on the globe, this young Republic of the United States, and the old Empire of China.

What, now, are the bearings of our Chinese exclusion legislation on American interests in China, and as Americans in China can clearly see them? Ten per cent. injury without an iota of good. I say nothing of what a skilled diplomacy *might* do in mutual conference with Chinese Commissioners, but of what our very undiplomatic legislation, with fifteen minutes for debate, has done. I believe, furthermore, that proper legislative action, harmonizing with the wise circumspect agreement of the two treaty powers, would be a decided benefit to America at this time and mean no harm to China, but the absurd legislation as exhibited in the Geary bill of May 5th, 1892, is a profound specimen of doing harm by means of the law, seeking to expel the Chinese but working disaster to our own nation, and the clearest illustration of the answer given by a class-mate of nine in college who, when asked "what is legitimate homicide," said "when a man kills himself in self-defence."

I. First of all, then, our American legislation on the Chinese question has worked harm to our American reputation and the honor of our country in the eyes not only of China, but of the whole world, Both the Scott bill of 1888 and the Geary bill of 1892 are alike insulting and offensive to the Chinese government, but the only nation to suffer in point of honor is the party which is at fault, our own American republic.

A feeling of good-will towards China on the part of Americans, and the reciprocal feeling of good-will which was aroused among the Chinese towards America, began with the very first formal exchange of civilities between the two governments in 1844, when that distinguished, broad-minded and learned statesman, Hon. Caleb Cushing, represented our country in forming with China a treaty, as it was termed, "of peace, amity and commerce." Russia was then, and always has been, largely viewed as an enemy, owing to her persistent aggressions on the

Chinese frontier. England was also viewed as an enemy on account of her connection with the so-called " opium war " of 1841 and 1842. Spain, Portugal and the Netherlands were all detested for the avarice and cruelty, the bucaneering, kidnapping and coolie traffic practiced by their subjects. But the United States, free from such complications, at once appeared as a friend, and this friendship was heartily expressed in the first article of the first treaty, and which to-day do well to recall. It reads thus: " There shall be perfect, permanent and universal peace and a sincere and cordial amity between the United States of America on the one part and the Chinese Empire on the other part, and between their people, respectively, without exception of persons or places." Notice these words, and especially the last ones, " without exception of persons and places."

This high reputation continued till 1858, when, after another war of China with England and France, new treaties were made and ratified. The treaty made by the agent of our country expressed the same feeling of mutual and permanent peace and friendship, and in addition by the skill of two of our secretaries who had been engaged in missionary work, Drs. Wells Williams and William A. P. Martin, there was introduced a clause of religious toleration guaranteeing protection to the Christian religion, both Protestant and Roman Catholic.

This friendliness between the two countries reached its climax during the ministry to China of that brilliant man, Hon. Anson Burlingame. So popular did he become that on his retirement in 1867 he was appointed by the Chinese government to be its own special envoy to all the leading treaty powers. On his visit to his native land he was able to make a treaty signed by William H. Seward, as agent for the United States, and by himself as agent for China. It was fitting that two such men under such striking circumstances should form a treaty, more expressive of friendship, breadth and mutual respect, than any other treaty which China has made with any other country, and it was also fitting that on the very day, July 28th, 1868, on which this treaty was signed, the fourteenth amendment became a part of the Constitution of the United States.

Do you wonder, then, when I tell you that the Chinese government and the Chinese people under such treatment have been inclined to regard the American people as honorable, fair, just and generous, and their government the best friend which

China has had since she entered the family of nations, and began to swing into line with our advanced civilization?

The first backset, though only a slight one to this fair name and splendid record, was in 1880, when a treaty was made regulating Chinese immigration to the United States. There could really be no cause of complaint, for the method adopted was an honorable and fair one—viz., mutual conference, and the treaty signed was an harmonious agreement between the two powers. If complications and friction *must* arise this surely was the way to settle them—honorable, dignified, just and respectful.

In harmony with that treaty an Act was passed in 1882, executing the stipulations of the treaty, and suspending the immigration of Chinese laborers for a period of ten years.

In 1888, under the previous administration of President Cleveland, another treaty was concluded between Secretary Bayard and the Chinese Minister, suspending immigration of Chinese laborers for twenty years. This treaty, however, was not ratified in Pekin, probably, as I have learned, out of fear of complications with other countries and especially the Australian colonies, and because they regarded twenty years as too long a period for absolute suspension. The Foreign Office in Pekin requested a re-examination and further discussion of the points at issue. Then it was that the Congress of the United States hurriedly passed a Bill in September, 1888, and signed by the President, October 1st, not only forbidding any more Chinese laborers to come, a matter in harmony with the treaty of 1880, but forbidding the return of Chinese laborers, a matter which was not in harmony with the treaty of 1880. In other words, the Congress practically said to China, "If you don't do as we want you to, we'll do as we please, whether you like it or not."

Here, then, was the first error in the political discernment of our rulers, the first step on the road of national dishonor, rejecting further conference, until thereby a treaty *could* be agreed upon by both countries.

Though a sense of shame might well arise in our own minds, still the high reputation which America had in China for over forty years could not be destroyed at once, and so in the decade from 1882 to 1892, during my residence in China, I continued to enjoy all the happy experience of being a citizen of the nation which all Chinese knew as China's best friend. Fears, however, began to rise in my breast when I heard of the Bill passed in May of last year and signed by President Harrison. I

managed, however, to say nothing, and every one around me was happily ignorant, that is, happily for me. Of course the whole matter was known in the Canton province, from which most of the Chinese immigrants come, but the larger part of the population still lived under the illusion that the America of 1892 was the same as that of 1868, with the same broad political sentiments. I recall how in last June in talking with a brave general of the Chinese army, and had fought to subdue the Taiping rebellion, he referred with indignation to the aggressions and hostility of the Russian and French, and then turning to me, said, "But you Americans are friendly and magnanimous." Of course all I could do was to add, "Oh, yes, our country is very friendly, and especially the Christian portion. In every town, a Chinaman, while meeting annoyances, will yet find some friends, who will help and defend him."

The first one to refer to the matter was the distinguished Prime-Minister of China, Li Hung-Chang. Through the recommendation of a Chinese official friend, I secured an audience with this celebrated mandarin. A large part of our conversation had to do with the object and utility of missionary work in China, he maintaining that Confucianism was sufficient, and I modestly arguing that Christianity meant the reformation of the Chinese people, and that it was well to see whether those unreformed by Confucianism might not be reformed by Christianity. Just as I arose to go, he asked me when I intended to leave for the United States, and when I replied "In a few weeks," he slyly added, "Well, you needn't come back. You had better reform the American people, so that they will treat better our Chinese laborers."

The only honorable method—as a student of history I may say it without fear of the charge of arrogance or conceitedness—is that which our country heartily endorsed, advocated and practiced, all the time from 1844 to 1888, namely, that in accordance with International Law, the two countries shall appoint responsible commissioners to confer and agree on the articles of a treaty, and that such a treaty, when signed by such commissioners, shall be reported to their respective governments for ratification, and that after the ratification Congress shall pass laws to carry into effect the stipulations of the treaty and in harmony therewith.

In all my experience in China, in matters pertaining to the rights and protection of foreigners, I have always tried to impress

on the Chinese authorities the advisability of mutual and respectful conference, and calm and moderate deliberation, and I have never known of a failure to reach in due time some kind of a satisfactory settlement, if such principles were observed by both parties. For us to refuse to confer with the Chinese and agree on a treaty is either a plain acknowledgment of our incapacity to meet the skill and match the finesse of Chinese diplomacy, or an open confession of the intention to be dishonorable, ignoring all the wishes, sentiments and protests of another treaty power.

II. A second feature of this legislation in its bearings on American interests is the injury that will be done to the American sense of *justice* and her high standard of civilization.

If you will bear with me for a few moments, I will present the arguments in as concise, impassioned and judicial a way as possible, proving that our legislation is in contravention first, of treaty law; second, of international law, and third, constitutional law. I will briefly state my points and give my authority.

First, then, as to *treaty-law*. The act approved May 5, 1892, ostensibly seeks to identify the Chinese who are here, in order that they may be distinguished from others who are forbidden from coming, and be thereby the more easily protected. And yet the act, as if to divulge its intent, is entitled, "An act to *prohibit the coming* of Chinese persons into the United States." The first section reads: "That all laws now in force prohibiting and regulating the coming into this country of Chinese persons, and persons of Chinese descent, are hereby continued in force for a period of ten years from the passage of this act." Thus, in considering the bill passed last May, we not only must examine the new features of the bill with the attendant regulations of the Secretary of the Treasury, July 7, 1892, but the previous laws enacted by that act to continue in force.

1. The Supreme Court of the United States in May, 1889, conceded that the Chinese Exclusion Act of October, 1888, known as the Scott law, was "in contravention of express stipulations of the treaty of 1868, and of the supplementary treaty of 1880." As that act is to be continued in force ten years more, from May, 1892, it is still true that there is a contravention of the treaties made with China by the United States.

2. The act passed October, 1888, section 1, reads: "That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or

who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States." That is in plain English, a Chinese laborer returning to China cannot return from there to the United States. This contravenes the treaty of 1880, article II, and this clause: "Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord," etc., etc.

3. The same act, section 2, also states that "the Chinese laborer claiming admission by virtue thereof, (*i. e.*) a certificate from the United States government, "shall not be permitted to enter the United States." This contravenes the same treaty, article and clause which we have just cited, viz.: that they may "go and come of their own free will."

4. The act approved May 6, 1882, and by the new act of May, 1892, is continued in force, reads in section 14 as follows: "That hereafter no State court, or court of the United States shall admit Chinese to citizenship." This is in contravention of the treaty of 1868, article V. "The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and *allegiance*." At the same time the sixth article, guaranteeing the same privileges, immunities and exemptions" to Chinese in America as to other citizens or subjects, adds: "But nothing herein contained shall be held to confer naturalization upon the subjects of China in the United States." Thus there is an implication that naturalization is not to be claimed, neither is it to be totally prohibited.

5. The act as passed May 5, 1892, contains a variety of new features never adopted before, as in section 5, "on application for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed," and in the long section 6, "all Chinese laborers within the limits of the United States" must apply "for a certificate of residence," and on failure so to do "shall be deemed and adjudged to be unlawfully within the United States and may be arrested," (*i. e.*) adjudged guilty until proved innocent, and finally "taken before a United States judge, whose duty it shall be to order that he be deported from the United States," etc., etc. This is in contravention of the treaty of 1880, article I, which says: "The limitation or suspension shall be *reasonable*. * * * Legislation taken in regard to

Chinese laborers will be of such a character only as is *necessary* to enforce the regulation, limitation or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse." Also in contravention to the same treaty, article II: "Chinese subjects * * * shall be accorded *all* the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation."

6. The Act of May 5, 1892, Sec. 7, says: "That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act," whereupon in July, 1892, Secretary Foster issued his "Regulations," ordering that every applicant for certificate of residence must bring "three unmounted photographs," and that every photograph must be a "true photograph," that "if the collector or his deputies have any doubt in regard to the correctness of the photograph presented they will refuse to receive the application and require a correct one," finally that each applicant must bring with him "two credible witnesses of good character." This regulation is likewise in contravention of the Treaty of 1880, Art. II, which we have quoted above, viz.: "Chinese subjects shall be accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nations." Also to Article III.

7. The different bills passed in 1888 and 1892 have ignored the protestations of the Chinese Government. On September 21, 1888, the day the bill which was passed by the two Houses was presented to President Cleveland, he received a telegram from the Minister in Pekin, saying, among other things, that the Chinese Government desired "further discussion." The President, however, expressed the view in a message that he regarded the demand for re-examination and renewed discussion as an indefinite postponement, and hence he signed the bill, October 1, 1888. This is in contravention of the Treaty of 1880, Art. IV., which says: "Whenever the Government of the United States shall adopt legislative measures in accordance therewith," that is, with the foregoing articles "such measures will be communicated to the Government of China." In other words it is implied that the legislative measures are to be in accordance with, not in contravention of, the articles agreed upon in the treaty, and that such measures are to be duly reported to the other treaty power,

the Government of China. The article then adds: "If the measures as enacted are found to work hardship upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States Minister at Pekin, and consider the subject with him, to the end that *mutual* and *unqualified benefit* may result." Such is the end in view, but I have yet to learn that even in spite of the official request of the Chinese Government this "mutual and unqualified benefit" has been reached; in fact there has been an inclination on the part of both the Legislature and Executive *not* to consider the hardship of the measures enacted and the attainment instead of mutual benefit.

These seven points indicate how far the stipulations of the treaties have been broken by the measures enacted by the Legislature and approved by the Executive. And let two things here be noted; First, that the treaty which establishes in the clearest language and the broadest spirit "the inherent and inalienable right of man to change his home and allegiance" was the so-called "Burlingame Treaty," one in which an American statesman and not a Chinese mandarin represented the Chinese Government. And, secondly, that the treaty whose stipulations have been the most contravened by our American Legislation was not this same Burlingame Treaty, but one in which a California citizen, Hon. John F. Swift, was appointed as one of the Agents Plenipotentiary to satisfy the wishes of the Pacific slope, and in which the Chinese Government openly avowed its willingness to suspend for a limited period the immigration to the United States of Chinese laborers.

The first blow at these treaty observances was by the Scott Bill of 1888, forbidding the Chinese laborers who might return to China, to come back to America, and the second blow was by the Geary Bill of 1892, making a series of unheard-of regulations, whereby the Chinese laborers who are already here, shall be hampered and annoyed, tagged like so many "ticket-of-leave" men in Botany Bay, photographed like so many rogues in a gallery, and on pain of violation of these regulations to be deported back to China. So Senator John Sherman said in the Senate, when the bill was under hurried discussion, "In violation of the treaty we expressly provide that these people shall only

have the right to remain here upon applying on certain terms and conditions, for a certificate; they are ticket-of-leave men."

The question of the observance or non-observance of our treaties may be regarded as insignificant to an American at home; but to an American in China it is a vital and supreme question. China at the outset neither cared to open her doors to foreigners, or to permit her own people to migrate to other lands. She wanted to be left alone. Western powers, and America among the number, advocated the principle of international intercourse, and urged China to make treaties. From that time to the present treaty rights, treaty privileges, treaty observance, has been the one thing drummed into the Chinese ears. Every question, great or small, has been pushed in China by all the might and authority of the treaty. Again and again has the Chinese Government been made to bend to this new power of modern civilization—Western civilization. Not one iota of our treaty rights have we proposed to yield. And not only so, but every treaty with China contains a "favored nation" clause, whereby all the rights, privileges and favors granted to one nation shall inure to the benefit of another, and so it is that many favors and rights, which we as Americans did not originally obtain by our own treaty, have since accrued to us by being first granted to others. In all this change brought about in China, America has never been backward. What, then, shall we say of our own violation of the treaties with China? Of our national legislature carelessly ignoring our treaty stipulations, and adopting the narrow, restrictive policy, which China held for hundreds of years? I seem to hear again the protest of that grand man, Dr. Phillips Brooks, as he wrote these words last November to the large mass-meeting in Tremont Temple, Boston, "The legislation of the Chinese Registration Act is most humiliating, and demands the indignation and remonstrance of every citizen who cares for justice and his country and humanity."

Secondly, as to *international law*. There is a story told of the Chinese Prime Minister, Li Hung-Chang, during a conversation with a former United States Minister, John Russell Young, asking the question as to whether he could point out that particular paragraph in "Wheaton's International Law" wherein it was provided that a Hottentot was more desirable as a resident than a Chinaman. We as Americans may well feel jealous of any harm intended to international law, to those great principles which our forefathers and statesmen have always cherished, of

international intercourse, comity and courtesy. The three treatises on International Law by Wheaton, Woolsey and Bluntschle, have all been translated into Chinese for the Chinese Government by a learned American, Dr. W. A. P. Martin, who is the President of the Imperial University in Pekin and Professor of International Law. The Burlingame Treaty is also especially conspicuous for its clear enunciation of the foundation principles of true international relationship. Our modern legislation, at least on the Chinese question, falls far short of what we have taught in other days. Let us specify a few points.

1. Woolsey in his "International Law" says: "No nation through its public documents, or by its official persons, can with right reflect on the institutions or social characteristics of another, or make individuous comparison to its disadvantage, or set forth in any way an opinion of its inferiority." This principle, it seems to me, has been glaringly violated by this Bill of Chinese Exclusion and Registration, making certain uncomplimentary regulations for certain foreigners; 1st, because they are Chinese, and 2nd, because they are laborers. That venerable and distinguished statesman of Massachusetts, Senator Hoar, has said: "These measures not only violate our treaty engagement with a friendly nation, but they violate the principles upon which the American Republic rests, striking not at crime, not even at pauperism, but striking at human beings because of their race, and at laboring men because they are laborers." The act as passed again and again refers to "any Chinese person or persons of Chinese descent," making no distinction between those Chinese who are Chinese subjects and those who by birth are the subjects of some other country, as of Great Britain on the island of Hong-Kong, or even those who by birth are now the citizens of the United States. That man is a marked man who has Chinese blood in his veins, no matter the government to which he may now be subject. As an English journalist in China has said, "It is obvious that no European country would learn with equanimity of the passage of a law singling out its nationals for penal legislation."

2. Sir Robert Fillimore has deduced from the principle of equality the right of a government to protect its subjects resident in other countries, and it may be laid down that a state has cause of complaint if its subjects in foreign countries are denied ordinary justice. The large portion of the Chinese in the United States are still the subjects of China, and China,

therefore, has a right to complaint at the partiality of treatment meted out to her people.

3. International comity is another duty of nations. It embraces, says Woolsey, "not only that kindness which emanates from friendly feeling, but also those tokens of respect which are *due* between nations on the ground of right." This principle of comity has been infringed by the insult not only to the Chinese laborers, but the greater international question of insult to the Chinese government, passing a law against certain subjects of China without regard to the national feelings of China.

4. International intercourse by means of international conference is the essence of international law and the making of treaties. Hence it is that China was induced during the Burlingame era of friendliness to begin the policy of sending ministers and consuls to foreign governments, as well as receive those from other countries. Hence it was that earlier in its history, but by advice of foreigners, China formed a new office to deal with and consult about foreign affairs. The right of conference on matters pertaining to more than one country is too axiomatic to meet any defense. And yet in 1888, when the foreign office at Pekin asked for further discussion of the treaty made that year between the two countries but not yet ratified, President Cleveland deemed it best to refuse that request, but signed the act of congress which placed greater restrictions on the Chinese than even the new treaty under discussion had defined. It was independent action rather than the conference of two contracting parties. As to the act of 1892 Woolsey's words may apply: "No state can exclude the properly documented subjects of another friendly state, or *send them* away after they have been once *admitted* without definite reasons, which must be *submitted to the foreign government concerned.*"

5. It is a principle of international law that treaties are a part of the supreme law of the land, subject only to the provisions of the constitution, and that they are binding on the contracting parties from the day of their date. Woolsey in his "International Law" says: "National contracts are even more solemn and sacred than private ones on account of the great interests involved, of the deliberateness with which the obligations are assumed, of the permanence and generality of the obligations, and of each nation's calling under God to be a

teacher of right to all within and without its borders." The opinion of a former attorney-general is cited by the state department as follows: "Not to observe a treaty is to violate a deliberate and express engagement and afford good cause of war. When congress takes upon itself to disregard the provisions of any foreign treaty it of course infringes the same in the exercise of sovereign right, and voluntarily accepts the *causus belli*." Such is the state, then, in which we find ourselves placed as a nation by congress, in the exercise of its sovereign right, passing the two bills of 1888 and 1892. Our treaties with China are broken, and thereby one principle at least of international law is trampled upon.

In my younger days of studying international law I learned all this, but only of late and as a result of studying this Chinese question, have I learned of a modifying principle. Though it makes law rather too complex for an unprofessional mind it is still our duty to state it as it is. The Supreme court, in rendering its decision in 1889 on the Scott bill of 1888, said: "Although it must be conceded that the act is in contravention of express stipulations of the treaty of 1868 and of the supplementary treaty of 1880, it is not on that account invalid or to be restricted in its enforcement. By the constitution laws made in pursuance thereof and treaties made under the authority of the United States are both declared to be the supreme law of the land and no paramount authority is given to one over the other. In either case the last expression of the sovereign will must control." So Attorney-General Crittenden, in an opinion on certain legislation conflicting with the treaty of 1819 with Spain, held that "an act of Congress is as much a supreme law of the land as a treaty. They are placed on the same footing, and no superiority is to be given to the one over the other. The last expression of the law-giving power must prevail, and a subsequent act must prevail and have effect, though inconsistent with a prior act; so must an act of Congress have effect, though inconsistent with a prior treaty."

It is not for one like me to argue this meaning of the law. I merely take it for granted as the right and supreme decision. But it seems to me that three things should be noted if a subsequent act of Congress is to prevail over a prior treaty, and what I here say is also based on the Supreme court: First, according to another decision of the Supreme court, if Congress may nullify a treaty with a foreign power, the nullification must

be express and not by implication. But thus far neither Congress nor the Executive has either expressly or impliedly abrogated the treaty with China. And hence the treaty is still in force and not the subsequent act of Congress. Secondly, an act of Congress can not pass as law and abrogate a prior treaty if it is arbitrary and unjust, and as the Supreme court has also adjudged, "arbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or an impersonal multitude." Thirdly, as according to the constitution, article 6, clause 2, all treaties, as well as the constitution and laws of the United States, are the supreme law of the land, so any law which may be proved unconstitutional can not prevail over a prior treaty. As the clause enjoins the law must be "in pursuance" of the constitution to "be the supreme law of the land." And this is what the Chinese, under advice of competent attorneys, are wishing to test—viz.: whether the act of 1892 is constitutional and binding or not. For this reason the mass of the Chinese in the United States are ignoring the regulations of that act, and what the Six Companies, by advice of their lawyers, have said seems to me true. "Our attention," they say, "has not been called to any law which makes it a crime for us to advise our fellow-subjects that they have a right to disregard a law which is in violation of the constitution and treaties."

But, whatever the outcome, this much is clear, that it is a lamentable caricature on our American civilization that our national government shall even desire to pass a law which may break the treaties and the principles of international intercourse, would it not be better, would it not be a sounder and more honorable policy, to seek the path of harmony, either by changing the law or revising the treaty, so that the law shall be in harmony with the treaty, in accord with international law, and in pursuance of the constitution ?

Thirdly, now, as to *constitutional* law. The points to be advanced are as follows:

1. The second, third and fourth sections of the act refer not only to "any Chinese person," but to any "person of Chinese descent," thus including under the restrictions enacted persons born in the United States. Such a law is in violation of the Fourteenth Amendment and first clause, which states "all persons born in the United States are citizens of the United States and of the state wherein they reside," and which then adds, "nor

shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

2. The whole drift of the act is the restriction of those who are the subjects of China, within the jurisdiction of the United States, but not the *citizens* of the United States. But such restriction applied only to a few and not to all, violates the same Fourteenth Amendment, which clearly guarantees that no state shall deprive *any person* of life, liberty or property; without due process of law, nor deny to *any person* within its jurisdiction the *equal* protection of the laws." Thus all Chinese residing in the United States are citizens *de facto*, though not *de jure* of the United States, and are guaranteed by the constitution an equal protection with all other citizens. By the Civil Rights Act, Congress itself has declared that "*all persons* within the jurisdiction of the United States shall have the same right in every state and territory, to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and *no other*." How flagrantly this Act of Civil Rights is trampled upon by the Act of Chinese Exclusion and Chinese Registration.

3. The act, while relating mainly to Chinese *laborers*, yet by making it so easy for them to be arrested may also work harm and hardship to the Chinese *merchants*, for it really places on them the *onus* of proof that they are *not* laborers, and so need no certificate of identification and residence. If this be the case, the same Fourteenth Amendment will therein be violated.

4. In Sec. 3 of this act it is declared that "any Chinese person or persons of Chinese descent arrested under the provisions of this act shall be adjudged to be unlawfully within the United States, unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge or commissioner, his lawful right to remain in the United States." By this it is only provided that the man already adjudged guilty shall establish his innocence by affirmative proof, thus violating the Sixth Amendment, which says, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, and to be informed of the nature and

cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense." But none of these constitutional rights are provided for in this section or any other section, during the proposed trial of the Chinese laborer. Contrary to all sense of justice the Chinaman is adjudged guilty, until proved innocent, and this, too, in spite of section 6 in the act, which describes him as "entitled to remain in the United States."

5. Sections 2, 4 and 6 enjoin *deportation* as a penalty for failure to observe the Bill, and section 7 states in full that such a person shall be imprisoned at hard labor for a period not exceeding one year, and thereafter removed from the United States. This order, however, conflicts with the Eighth Amendment which decrees that "cruel and unusual punishment" shall not be inflicted. We have heard of the Chinese Emperor banishing his subjects to Ili, and the Russian Czar to Siberia, but never before was it decreed in the United States that banishment was to be made a penalty of the law. It is "unusual" and so illegal. And remember that the persons thus misused are not Chinese laborers trying to enter our territory, but those who are already here and reside here.

6. Section 5 of the act has reference to "a Chinese person seeking to land in the United States, to whom that privilege has been denied," and it decrees that on his making "an application for a writ of habeas corpus no bail shall be allowed." This law is meant to help in the execution rather of the Scott bill of 1888, than the Geary bill of 1892, the bill which prohibited Chinese laborers to re-enter our borders. But even so it violates the eighth amendment, which implies that bail may be allowed, and the second clause of the ninth section of the first article of the constitution; which expressly declares: "The privilege of the writ of habeas corpus shall not be suspended."

7. Section 6 of the act has a variety of absurdities, all of which need to be specified. It says among other things that "any Chinese laborer without such certificate of residence shall be deemed and adjudged to be unlawfully within the United States, and may be arrested * * * and taken before a United States judge, whose duty it shall be to order that he be deported from the United States unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness or other unavoidable cause he has been unable to

procure his certificate." Reading carefully this new statute it will be noticed that there is no indictment of a grand jury, no process of law, no trial by an impartial jury, and no counsel to defend. It thus breaks the sixth amendment, which we quoted above, and also the fifth amendment, which declares that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury * * * nor be deprived of life, liberty or property without due process of law." Also section 2, clause 3, of the third article, which reads, "The trial of all crimes shall be by jury." For Congress to pass a bill, containing all the specifications of this one, and yet failing to include those which are constitutional, is by no means a high standard to be displayed to the world, and especially to China.

8. By the same section it is enjoined that "the Chinese laborer arrested but who desires to procure a certificate must have the affidavit of at least one *credible white witness*, that he was a resident of the United States at the time of the passage of this act," but this is contrary to the fourteenth amendment in that the same exaction is not required of others, and so causes a Chinese laborer to be deprived of his liberty, and to be denied "the equal protection of the laws." It might be possible for him to secure a yellow or black witness but not a white, and yet on pain of failure he will be unable to prove his case "to the satisfaction of the court."

9. The same section declares that after the court has been satisfied of the Chinese laborer's right a certificate "shall be granted upon his paying the cost," *i. e.*, upon his paying a capitation tax, but article 1, section 9, clause 4, of the constitution declares that "no capitation or other direct tax shall be laid."

10. According to this section 6 a Chinese laborer will be "deemed and adjudged to be unlawfully within the United States" if he is "without such certificate of residence," but this exaction is required of no one else, and with all the other specifications may greatly injure his liberty and property, another violation of the fourteenth amendment.

11. By this section a "United States customs official collector of internal revenue, or his deputies, United States marshal, or his deputies" have the power to adjudge, or in other words, are given judicial power, while the United States judge has an executive power, "whose duty it shall be to order that" the Chinese laborer thus "adjudged to be unlawfully within the

United States be deported from the United States." This violates the sixth amendment which guarantees "trial by an impartial jury of the state and district." The one recognizes a national authority and the other a state; the one action may prove arbitrary, but the other guarantees a fair trial of one's compeers.

12. When we consider the "regulations" of the Secretary of the Treasury, as enjoined by Congress, such as requiring "three unmounted photographs," and giving "the collector or his deputies" the power to decide on the "correctness of the photograph," and finally commanding "two credible witnesses of good character" to make the prescribed affidavits—a very difficult task for the majority of Chinese laborers, if such a witness must be a white man—we gain another and complete evidence as to how that grand declaration of the constitution, the Fourteenth Amendment, has been and probably will be violated by the action of our United States government, depriving the Chinese laborers of their "liberty" and denying them the "equal protection of the laws."

These seven points on treaty-law, five points on international law and a dozen points on constitutional law, are sufficient of themselves and needing no further comment to convince every calm, intelligent and unprejudiced mind that this act of Congress, apparently unimportant and to many uninteresting, has cast a shadow over our nation's rectitude and civilization which years of honorable diplomacy and international comity and all the glory of our Columbian Exposition will find hard to scatter by all the brightness of their achievements.

Having spent so much time on the legal aspects of our legislation—the harm done to our American sense of justice—there must be and also need be less discussion of the other bearings of the question, the harm done to American influence, commerce and missions in China. We, therefore, proceed at once to the next point.

III. The harm done by our legislation to American *influence* in China. A certain sturdy countryman of the Yorkshire regions quietly inquired of a comrade: "I say, Bill, who is that chap yonder?" "Don't know him." "Well then 'eave 'arf a brick at him." This forcible method of creating an influence has lately become our policy in dealing with Chinese, and even those who are the guests of our country. We erect a pedestal much like the tower of Babel and on it inscribed "the liberty of man,

woman and child," and then we knock down half of the underpinning and leave the pedestal all aslant and ready to tumble by our drastic measures of Chinese exclusion. Both the building of the tower and the process of knocking it down seem to me to be extreme measures, but at opposite ends, not exactly what we wanted for the safe guidance of a popular government. At one moment we shout till we are hoarse, "Free entrance to all the world," and the next we hear the door groan on its hinges and ready to slam in the face of the Orient, first China, then Japan, and by and by the Asiatics on the Hawaiian islands.

Every sound system of government must be molded by modifying checks. And so we have state rights and national authority, the legislative, executive and judicial departments, each one helping and each one checking the other. Even a good principle needs limitation; even love needs to be guided. For our young republic to make liberty one of its battle-cries—the pole-star of the nation—was a sound policy, full of inspiration; but liberty unchecked is license, while liberty regulated means restriction; even the pole-star must find its place in the universe of revolving planets and shining stars. Free immigration, therefore, demands restrictions, but restrictions which are applied to a few merely because of race, class of nation, and not on the basis of character or worth, strikes at the principle of equality and generates discord and animosity with that race, class or nation. Influence, however promising, is at once and inevitably nullified, and this and no other will be the result in China, if this bill of extreme restrictions against Chinese laborers shall be carried into effect by the Executive of our nation.

It is not for me to exaggerate in the least American influence in China. I have already shown what it has been through our diplomatic agents who have represented our government in China, and I gladly testify in this public way the appreciation entertained by all American residents in China for the friendly, energetic and judicious ministry of Col. Charles Denly, who, for these eight years of changing complications, has still maintained with the foreign office in Pekin their united respect and good wishes.

The first foreigner employed by the Chinese Government to examine the mineral resources of that land was a competent mining engineer from our own country, recommended by the Hon. Mr. Burlingame. Another man, and that, too, a black man, attached to the Burlingame embassy, was afterwards

retained as private adviser in the Chinese service until his death some two years ago. It was a large American firm which started and helped the Chinese in forming its first steamship company, and during the hostilities with France in 1884 all these steamers were transferred to this American firm and placed under the American flag. Other Americans have been employed in the mining speculations in China; several hold prominent positions in the Imperial Customs service under the lead of an able Englishman, Sir Robert Hart; and another, who is our Vice-Consul to Tientsin, has been private adviser to the Premier, Li Hung-Chang, for many years, and at this time is the head manager of the Imperial Railway in the North. One of the first efforts to teach the Chinese the English language and Western science was the Morrison Education Society, the instruction of which was given by that lovable and popular man, Rev. S. R. Brown, and whose pupils have occupied high positions in the Chinese Government. The Imperial College, which was started and supported by the Emperor, for teaching the Western languages and the sciences, has been from the beginning under the charge of a distinguished American scholar and Chinese scholar, the Rev. W. A. P. Martin, D. D., LL. D., a man furthermore, from his position, whose advice is frequently sought after in the difficult international questions which troubled the Chinese Government. Also a few years ago, when 120 Chinese lads were sent abroad to be educated, it was in our American institutions and at first under the care of Young Wing, a graduate with honor and as prize-man of Yale College. In the same connection it should also be noted and appreciated that the body of American missionaries, though a small number in comparison with the citizens of California, all of them hold positions of wide and beneficial influence, especially the leaders of the educational institutions, our physicians and a few others who are seeking an extended influence with the influential men of China. Through these few men the name of America has become known and respected among thousands of people in that vast and ancient Empire.

The influence thus described has been one of friendliness. If not the chief, at least America is one of the five great powers influencing the Chinese Government to-day in its slow but onward march of development and prosperity. Shall it be that at this critical period in China, and after years of effort, prayer and planning by our fellow-countrymen, this sphere of influence

shall be cancelled, and those who are our foes at home shall increase the number of our foes abroad?

The governments of Europe always give supreme attention to what is called the foreign policy. Great Britain, France, Germany and Russia watch with jealous eyes this foreign policy as related to China. And where now is the United States? Shall we purchase Alaska, annex the Hawaiian Islands, dream of the annexation of Canada, Mexico, Cuba and other spots, desirable and undesirable, and fling aloft the new banner of reciprocity, while turning toward the Orient, with absurd fears in our hearts and a "slight misunderstanding," we grate our teeth and hurl defiance and bolt forever that splendid work of the Creator—the Golden Gate?

IV. Another bearing of this Act of Chinese Exclusion is the harm done to American commerce in China. In approaching this element of the problem, I confess a certain feeling of indifference—much like our good people at home towards the whole Chinese question. Living for ten years amid the Chinese people, witnessing almost daily the extreme poverty of the multitude, participating in famine-relief a few years ago, when foreigners contributed to a fund of over $300,000, and remembering how foreigners some ten years ago raised over $200,000 for another famine, my main desire has naturally been to think of a remedy to relieve the distressed of China and minimize their poverty. It has seemed to me that what was needed more than foreign machinery was some cheap, simple utensil, which could help the poor to earn a livelihood, than help the rich to become richer. In other words, my sympathies have been stirred for the Chinese laborers, just as they would be at home for the struggling working classes. Hence I was pleased to hear from a Chinese official just before my departure from China, that he and others were introducing a simple kind of loom from Japan into his native province in the South, whereby the poor could make a little more money. With these simple looms cotton yarn has come into the market, and last year it was reckoned that the import into China of cotton yarn, ninety per cent. of which came from India, amounted to 1,000 tons.

But what is the effect of this on American trade? For the most part, bad. Owing to the increased sale of cotton yarn, cotton piece goods have declined, while American yarn is unable to compete with Indian yarn. For all this I have no tears to shed. I rejoice greatly in these charitable undertakings to benefit

the poor of China, as well as all other schemes for helping the poor the world over. American business men and capitalists must take their chances in competing in the markets of the world.

True as all this is, there is no reason why America may not out-bid other nations in selling those commodities which China wants, and buy those commodities of China which we in America want. There is the same open door for Americans to enter for selling such things as China needs in her mining, railway, steamship and war equipments. I do not say the trade is large, but let our legislators, if they can do nothing to help, at least refrain from utterly destroying our trade relations with China. If we can sell better goods at cheaper rates than any other people, the Chinese, of course, will not hesitate to buy, whatever our legislation against the Chinese, but all things being equal, the Chinese government at least will give the preference to a friendly people, that is all.

In crossing the continent, I was talking on the train with a wealthy German, who did business and made his fortune in Denver. Referring to the Chinese question, and supposing I was only a "globe-trotter," he said: "We can't change our legislation against the Chinese for any Americans in China. There are only a few business men there anyway, and they don't amount to anything, while all the rest are those fools, the missionaries, who carry away all the gifts of the churches out to China." Translated into other words, it merely means, every man for himself and let the rest go, or like the darkey, who, trying to quote the sentence, "Every man for himself and God for us all," said instead, "Every man for himself and God for himself." While it is a true saying that every government is of the Lord, there are plenty of persons these days willing to take the job off the Lord's hands, and run things to suit themselves.

I have noticed lately a new kind of foreign policy springing up in our midst. When the annexation of the Hawaiian Islands was first broached, certain persons were found opposing it because of its benefits to American capitalists living there. It is, no doubt, the feeling that the only way to help the workingmen is to overturn the capitalists, and that this country and all our legislation must tend that way, or the immigrants from Europe will resist, much like the celebrated Miss Maloney, who was heard to remark, on the appearance of a Chinese servant: "To think o' me toilin' like a nagur for the six years I've been in Ameriky—

bad luck to the day Oi iver left the owld counthry to be bate by the likes o' them—and it is misel, with five good characters from five respectable places, to be herdin' wid' the haythens?"

On this side issue I wish to say this much, that many schemes of capitalists, such as building the Central and Union Pacific Railroad, and reclaiming the swamp lands of California, had needed for their speedier completion Chinese labor; and these schemes being more quickly completed, have supplied the sooner spheres of usefulness for the laborers from Europe. It is not altogether true that because work is given the Chinese laborer, he and the millionaire are benefited, while the white laborers are left to starvation. There is such a thing as mutual benefit.

But this is not the question at issue. Even according to treaty there was no talk of admitting other Chinese laborers to the United States than those already here; but the legislation goes beyond treaty and enjoins certain exaction of Chinese laborers, already living within our territory, such as are required of no one else. As Mr. Garrison said, in Tremont Temple: "This is no question of a single race or color. Yesterday it was the negro, to-day it is the Chinaman, to-morrow it may be the white American:

> "We but teach
> Bloody instructions, which being taught, return
> To plague the inventor: this even-handed Justice
> Commends the ingredients of our poisoned chalice
> To our own lips."

V. The fifth and last aspect of the question is the harm done to our *missionary work* in China. The number of American citizens in China are second on the list, those from Great Britain being the first. The number, however, is a small one, being a little over one thousand, both men and women. Of this number nearly one-half are missionaries. Small though the number may be, it should not be forgotten that they are all representative men and women delegated to their work by competent religious bodies at home. The work they are doing is also a representative work, representing not only the five hundred or more who are in China, but representing the Christian sentiment of the people in America. This work thus organized likewise occupied, as we have mentioned above, places of influence, and in some cases strategic points of China. Of the twenty-two capitals in China and everyone a very center of influence, half of them are showing

to-day the beneficent work of our American missionaries. Already obstacles, persecution and riots, as much as any one should desire, beset the work of the American missionaries, as well as those from other lands, and need no additional impetus from the reaction in China of our legislation at home.

Whether the bill of Chinese Exclusion will impair the lives and work of our missionaries in China, I regard only as a minor matter. The main question is one of justice and right. Still the question of security or peril is interesting to those here, as well as slightly so to our fellow-countrymen in China. I will not attempt to prophesy wars, bloodshed or martyrdom, but content myself with plain facts.

Let us first suppose that the Chinese laborers, the Six Companies and their American attorneys, succeed in carrying a case to the Supreme Court in the United States, and obtain the decision that the bill of May, 1892, is unconstitutional. This, it seems to me to be the probable result, if there can only be the chance to have the case tried. Under such circumstances the effect in China will be nothing dangerous or startling, but none the less there will exist in many a Chinaman's breast ill-feeling and estrangement, and the suspicion of our bad intentions rather than a belief that we Americans are all so good. Furthermore, there may well be a ground of shame, to think that it required a band of plain Chinese laborers and laundrymen to bring our law-makers to terms, and that the Chinese in New York should have to raise $30,000 to engage competent attorneys like Joseph H. Choate and prove before the national Supreme Court that the bill passed by both houses of Congress and signed by the President—good Presbyterian elder—is null and void.

Suppose, however, that the law will be carried into effect next May by orders of the Executive, and we shall be called upon to witness a scene similar to the expulsion of the Jews from Russia, or their ancestors from Egypt. Or suppose, in a milder way, the law will only gradually be applied for the next six months, all through the world-wide Exposition at Chicago, on till the Supreme Court shall meet in October, and then decide that the law is constitutional; what then? We will find ourselves in this position: The United States Congress can pass a bill abrogating a treaty; the Chinese Government will then decide that her treaties with the United States are invalid, and that she, too, has a right to make laws and issue orders contrary to the treaties.

Already something of this kind has occurred. According to the American treaty of 1880, the same tonnage dues or duties shall be granted to goods carried by American vessels as by the Chinese. Well, last autumn the Chinese began to ship grain to Pekin on the China merchants streams, free of duty, under special permits from the Chinese authorities, while duty was still charged to the grain carried on English steamers. By the "favored nation" clause, the same favors accrue to England as to America, or any other country. Lord Roseberry, therefore, made a complaint to Pekin on basis of our treaty of 1880. The Chinese government replied that for the present that treaty was broken and the right had lapsed.

This same kind of policy, will it be applied to missions? I do not say what China will do, but merely what she has a right to do. According to our American precedent, in its strict letter, American "laborers" in China might be restricted and prohibited, but American merchants and scholars and so the missionaries would be allowed to go and come of their own free will. But suppose China follows the spirit of the precedent and not the letter, then she may restrict just as she pleases and whomsoever she pleases, without regard to treaty or the wishes and protests of the American government and people.

In America the undesirable class, it is assumed, is the Chinese laborer. In China the undesirable class, (*i. e.*) undesirable class to the Chinese is the missionary. Why not prohibit any more American missionaries from going to China; refuse the entrance to China of all of us who are home on furlough and place a variety of restrictions and regulations on those already there. Of course, to be fair, it should be borne in mind, that the Chinese laborers in the United States number, let us say, 80,000, or about $\frac{1}{800}$ of our population, while on the same proportion, the number of "undesirable" American missionaries in China would be about 400,000, instead of merely 500.

But why not restrict those who are there, or those who shall go? Why not regulate all the missionaries from all countries who wish to evangelize and reside in China? If the Chinese Emperor can issue a decree contrary to the treaty, (*i. e.*) if this principle shall be proved to be true law, why not issue a decree of restriction instead of a decree of toleration?

All the missions in China, Roman Catholic and Protestant, must face the same problem. Already a variety of annoyances, hindrances and restrictions exist, and it *may* be China will add a

few more, as she learns new lessons from our United States government. The riots against the missionary organization would naturally induce her so to do.

In talking with a leading man in the Chinese government, and one who views things very calmly, he expressed the fear that the masses would be induced by our treatment to obstruct the missionaries and their work, and make it hard for the authorities to protect. My only fear would be that both authorities and people will hamper the missionary work as never before.

The American treaties with China have had no article whereby the American missionaries could live elsewhere than at the treaty ports, first numbering five and now twenty-two. The treaties, however, have contained, as mentioned above, the "favored nation" clause. In 1860, when France was making a treaty with China, some of the Roman Catholic priests managed to get a clause inserted in the Chinese text, though not in the French, allowing French missionaries to purchase property in any one of the eighteen provinces. On this basis the Roman Catholic Church, backed by the French government, has succeeded in purchasing property and residing in the interior of China, and by this privilege, thus granted, Protestant missionaries, both English and American, have demanded an equal privilege and gained it. If now the United States can abrogate on true principles a *definite* agreement in a treaty, China can abrogate this very *indefinite* clause and right, and hamper instead of favor all missionary work in the interior of China, both Protestant and Roman Catholic.

Our hope, however, is that China will do better than the United States, and that while our own government may be less able to protect us in China, China will be more inclined so to protect, as she learns from the intrinsic merit of the missionary work that the missionary is not "undesirable," but desirable. Such an outcome would be highly advantageous to the spiritual character of our work, freeing it from the suspicions of political design, but it would be no credit to the United States or American interests.

This hope of ours is based on another fact. The Chinese Government can easily see that the voice of the religious organizations, unless we except our friends of the Church of Rome, has been and still is *against* this bill. One of the last efforts was made by the Bishops of the Episcopal Church, who through an important committee of five of their number

presented their request to the President of the United States and the Secretary of State. The President listened courteously, but replied that he did not see how he could do anything, as he had a law to execute. But why this law? Petitions of various Christian bodies were sent to Congress before its adjournment, and all the missionary societies united in one strong representative protest, but so far as I have seen from the papers Congress utterly ignored these petitions and protests. The voice of our Christian sentiment—of justice, good-will and magnanimity—must speak louder, until it shall include the laity as well as the clergy, the ruler as well as the citizen.

In the last report of the Committee on Immigration, submitted by Senator Chandler, occurred this admirable statement at the beginning: "The Committee on Immigration have not at any time been guided by extreme opinions in framing any permanent laws which they have recommended; but their policy has been to accomplish by successive and moderate steps such legislation as would gradually overcome defects in the methods of examining immigrants, and would also make the rules excluding undesirable persons more rigid and effective, in accordance with a widespread, popular demand for increased strictness, without unjustly excluding worthy and desirable immigrants." If such a policy as is here outlined could be made the policy for Chinese immigration, no cause of complaint could be made by even the most intense of Chinese defenders. The trouble, however, is on the other side, with the Chinese antagonists. The high moral and just standard would be to pass restrictive measures equally on all undesirable immigration from all nations, discriminating between character as desirable or undesirable rather than races or nations. By the laws already in force many of the Chinese would be excluded, such as paupers, persons convicted of misdemeanor, polygamists, any person whose ticket is paid for by another, and all contract laborers. By the bill brought forward by Senator Chandler, if only equally applied to the Chinese, others would be excluded, such as those who cannot read or write with reasonable facility their own language, and persons belonging to societies which favor or justify the unlawful destruction of property or life, a fitting regulation to keep out the highbinders of China, bloodthirsty and cruel. Other restrictions could easily be made, but the principle being one of equal fairness, it is not acceptable to the rabid anti-Chinese sentiment of the Pacific coast.

A lower policy is to restrict the Chinese in America the same as China restricts Americans in her territory, and a third policy is to restrict the Chinese in every way possible, but secure all possible privileges and favors for the Americans residing in China. This last policy is the one of the government, and if it be continued, we only advocate not independent legislative action without regard to China, but respectful consultation and the making of a new treaty. Not till the people of America learn anew that the high character of this nation in the past has been due to a devotion to principle, to justice and liberty, and to the defeat of prejudice, malevolence, and every form of tyranny, can we hope for a right understanding and fair dealing on this Chinese question.

No other two countries can be found, with so many subjects of the one living in the other, as these two, China and the United States, over 1,000 Americans in China and still the citizens of the United States, and over 100,000 Chinese in America and still the subjects of China. The one nation, young, active, rich, enlightened and prosperous; the other an ancient empire before Rome ruled in Gaul and Britain, intensely conservative and proudly exclusive, harrassed with famines, floods and insurrections, largely ignorant of the world and content with herself, and yet with great talent, with literature, and scholarship, while the mass of the people are ignorant and illiterate; the one nation known as Christian, and the other tolerant in her attitude towards all religions, Confucianism, Buddhism, Taoism and Mohammedanism, Nestorianism, Romanism and Protestantism; the one looking towards the future and forgetting too much of her own past, the other living still in the past; and veiling too much the demands and possibilities of the future,—such are the two countries facing each other to-day, and demanding the soundest, broadest diplomacy, the truest, bravest convictions, and the calm of a conscience, true to itself and yet just to others, the Republic of the United States and the Absolute Monarchy of China! God bless them both!